LAW OFFICE OF

EDMUND J. GEGAN, PLLC

2560 Burnet Avenue
Syracuse, NY 13206

Telephone: (315) 432-8800 ***E-mail: egegan@geganlaw.com*** ***Facsimile: (315) 433-5228***

December 16, 2004

Filed Electronically:

Hon. Norman A. Mordue
United States District Court Judge
Northern District of New York
United States Courthouse
100 Clinton Street
P.O. Box 7367
Syracuse, NY 13261-7367

Re: RESCUECOM Corp. v. Google, Inc.
Case No.: 5:04-CV-1055 (NAM/GHL)

Dear Judge Mordue:

Defendant Google, Inc.'s motion to dismiss all claims in the above referenced case is pending before your Court, and is currently returnable on January 19, 2004. Plaintiff RESCUECOM Corp.'s response is due to be filed on December 17, 2004, and Defendant Google's reply is due on January 7, 2004.

On December 13, 2004, a bench trial began in the case Government Employees Insurance Co. (GEICO) v. Google, Inc. et al. E.D. Va. Civil Action No. 1:04-CV-507 ("GEICO" case). The GEICO case raises issues similar to those at issue in the instant case.

On December 15, 2004, at the close of GEICO's case in chief on liability, Google moved for judgment as a matter of law pursuant to Federal Rule of Civil Procedure 52 (c). The Honorable Leonie M. Brinkema granted Google's motion in part in an oral ruling, and indicated that a written opinion would follow, likely in the next two to three weeks. Both parties expect to need to address the GEICO case decision materially in their papers on the motion to dismiss pending before this Court.

Therefore, both RESCUECOM and Google respectfully request that this Court grant an extension of time for service and filing of responding and reply papers, with RESCUECOM's time to serve and file its responding papers extended to January 21, 2004 and Google's time to serve and file its reply papers to February 11, 2004. Both

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parties also request that this Court adjourn the hearing of this motion from January 19, 2004 to February 16, 2004. The Court has already indicated on the docket that the motion will be taken by the Court on submission of papers and the parties need not appear on the hearing date.

If this request is acceptable, please indicate by "So-Ordering" this Letter-Request and enter same upon the docket.

Respectfully,

/s/ Edmund J. Gegan

Edmund J. Gegan

Cc: Shawn P. Regan, Esq.